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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-262

12 **JONI DENISE LOVE, a.k.a.**
13 **JONI DENISE HULL, a.k.a.**
14 **JONI DENISE DUDLEY HULL**
10032 Merino Ave.
Apple Valley, CA 92308

A C C U S A T I O N

15 Registered Nursing License No. 280917

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about August 31, 1977, the Board of Registered Nursing (Board)
23 issued Registered Nursing License Number 280917 to Joni Denise Love, also known as Joni
24 Denise Hull, and also known as Joni Denise Dudley Hull (Respondent). The Registered Nursing
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 states, in pertinent part:
“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct”

6. Section 2762 states, in pertinent part:
“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .
“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.”

7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
3 request the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 9. **CONTROLLED SUBSTANCES**

7 "Marijuana," is a Schedule I controlled substance as designated by Health and
8 Safety Code section 11054, subdivision (d)(13), and is categorized as a dangerous drug pursuant
9 to Business and Professions Code section 4022.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Under the Influence of Alcohol and/or a Controlled Substance)**

12 10. Respondent is subject to disciplinary action under section 2761,
13 subdivision (a), as defined in section 2762, subdivision (b), in that while employed as a
14 registered nurse at St. Mary's Medical Center (SMMC), in Apple Valley, CA, Respondent was
15 under the influence of alcohol and/or a controlled substance, as follows:

16 a. On or before December 5, 2006, Respondent was observed by co-workers
17 Celest Herron (Herron), Michelle McWhorter (McWhorter), and Teresa Brown (Brown) to smell
18 like alcohol during her shift. Respondent was observed by Judith Austin (Austin), Chief Nursing
19 Officer to be swaying and stating, "I found popcorn?" Respondent's actions were giddy, she
20 was giggling, and she was unsteady on her feet. Respondent was summoned into a private office
21 by Austin along with Herron, McWhorter, and Brown. Austin explained to Respondent that she
22 received complaints of her behavior indicating possible drug or alcohol use. Respondent began
23 to cry and by her own admission, admitted that she had been drinking the night before.
24 Respondent was asked to submit to a drug/alcohol screen and began to cry even harder because
25 she did not want to lose her job.

26 b. On or about December 5, 2006, Respondent's drug screen results were
27 received. The results reflected positive readings for blood alcohol level (.166), and her
28 urinalysis tested positive for Benzodiazepines and Tetrahydrocannabinol.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 11. Respondent is subject to disciplinary action under section 2761,
4 subdivision (a), in that Respondent engaged in unprofessional conduct, by reporting to work
5 while under the influence of alcohol and/or a controlled substance. Complainant refers to, and
6 by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth
7 fully.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board issue a decision:

11 1 Revoking or suspending Registered Nursing License No. 280917, issued
12 to Respondent Joni Denise Love, also known as Joni Denise Hull, and also known as Joni Denise
13 Dudley Hull;

14 2. Ordering Respondent to pay the Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: 4/28/09

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21 **RUTH ANN TERRY, M.P.H., R.N.**
22 Executive Officer
23 Board of Registered Nursing
24 State of California
25 Complainant
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